## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIMBERLY MYERS,

Plaintiff : CIVIL ACTION

:

**v.** 

E a/k/a : NO. 2:10-cv-824-JD

ANGELO CHRISTOPHER MOORE a/k/a : N D. Madd Vibe; FISHBONE; :

SILVERBACK ARTIST
MANAGEMENT; THE TRUSTEES OF
THE UNIVERSITY OF PENNSYLVANIA
d/b/a World Café and/or World Café Live!
And d/b/a WXPN and/or XPN; REAL
ENTERTAINMENT PHILADELPHIA,
INC. D/b/a/ World Café and/or World
Café Live!

Defendants.

## ORDER

AND NOW, this 22nd day of September, 2011, upon consideration of the Motion for Summary Judgment of Silverback Artist Management (Document No. 59, filed July 6, 2011), Plaintiff's Response in Opposition to Silverback Artist Management's Motion for Summary Judgment on the Issue of Whether Silverback Had a Duty to Plaintiff (Document No. 65, filed July 29, 2011), Supplemental Memorandum in Support of Motion for Summary Judgment of Silverback Artist Management (Document No. 70, filed August 15, 2011), Motion for Partial Summary Judgment of Silverback Artist Management (Document No. 60, filed July 6, 2011), Plaintiff's Response in Opposition to Silverback Artist Management's Motion for Partial Summary Judgment on the Issue of Punitive Damages (Document No. 66, filed July 29, 2011), and Supplemental Memorandum in Support of Motion for Partial Summary Judgment on the Issue of Punitive Damages of Silverback Artist Management (Document No. 71, filed August 15,

2011), for the reasons set forth in the Memorandum dated September 22, 2011, **IT IS ORDERED** that defendant Silverback Artist Management's Motion for Summary Judgment (Document Nos. 59, 65, and 70) is **DENIED**.

IT IS FURTHER ORDERED that, for the reasons stated in the Memorandum dated September 22, 2011, the Motion for Partial Summary Judgment of Silverback Artist Management (Document Nos. 60, 66, and 71) on the issue of punitive damages is **DENIED** without prejudice to the right of the said defendant to raise the issue of punitive damages by motion for a judgment as a matter of law under Fed. R. Civ. P. 50 at the close of plaintiff's case-in-chief. Until the Court rules on any such motion, neither party will be permitted to reference punitive damages or punishing defendant Silverback Artist Management in the presence of the jury, nor will either party be permitted to mention Silverback Artist Management's financial condition in the presence of the jury. However, Silverback Artist Management shall be prepared to produce evidence of its net worth at the conclusion of plaintiff's case-in-chief in the event the Court rules that the issue of punitive damages should be submitted to the jury.

BY THE COURT:
\_\_\_\_/s/ Hon. Jan. E. DuBois\_\_\_

JAN E. DUBOIS, J.